

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

**This Document Relates to:
The Dealership Class Action**

MDL No. 2817
Case No. 18-cv-00864

Hon. Rebecca R. Pallmeyer

**DEALERSHIP CLASS PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR
ADDITIONAL PAGES FOR CLASS CERTIFICATION BRIEFING**

1. The Dealership Class Plaintiffs (“Dealers”) object to the adjustments proposed by CDK Global, LLC (“CDK”) in their Response to Dealers’ Motion for Additional Pages for Class Certification Briefing (ECF No. 1419): (1) to file an omnibus opposition brief equal in length to the combined total pages of the Vendors’ and Dealers’ opening briefs; and (2) for a two-week extension of their filing deadline until January 19, 2023.¹

2. Unlike the summary judgment briefing, which was negotiated at length by the parties, there was no agreement (or even *discussion*) among the parties that CDK would file an omnibus opposition brief. CDK’s assertion that “it made clear that it would file either one omnibus brief opposing certification of both classes or separate brief opposing each class” is untrue (ECF No. 1419 at ¶ 2). There was never any such understanding. It would be prejudicial to Dealers and Vendors if CDK filed an omnibus brief that consolidated arguments relevant to both plaintiff

¹ In response to a November 20, 2023 email from the Court asking whether there were any objections to the adjustments proposed by CDK, Dealers previously conveyed this position to the Court and all parties via email that same day.

groups and had the advantage of more pages in which to address substantive arguments. Moreover, an omnibus brief would allow CDK to allocate more pages of its argument to whichever plaintiff group it pleased, regardless of the length of the Dealers' and Vendors' respective briefs.

3. Dealers have requested only *ten* additional pages for their opening brief – that fails to warrant CDK's request for a two-week extension and an omnibus reply. CDK's reasons for seeking an extension are meritless – data refresh productions, expert depositions, and upcoming holidays existed before the Dealers' page extension request and were agreed to during the negotiation of the current schedule.

4. Given that no party opposes Dealers' request for ten additional pages, and the page limit applies to a brief due today, Dealers request that the Court enter their proposed order sent on November 19, 2023, as to the page extension. As to the remaining two issues, CDK's requests for omnibus briefing and for a two-week extension of their filing deadline, those issues remain in contention and Dealers propose a telephonic status conference next week.

Dated: November 21, 2023

Respectfully submitted,

/s/ Peggy J. Wedgworth

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CERTIFICATE OF SERVICE

I, Peggy J. Wedgworth, an attorney, hereby certify that on November 21, 2023, I caused a true and correct copy of the foregoing **DEALERSHIP CLASS PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR ADDITIONAL PAGES FOR CLASS CERTIFICATION BRIEFING** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Peggy J. Wedgworth
Peggy J. Wedgworth